

Message Text

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43

ACTION L-03

INFO OCT-01 ARA-10 ISO-00 TRSE-00 EB-07 /021 W

----- 130756

R 301450Z APR 76

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC 1988

UNCLAS PORT AU PRINCE 1112

FOR L/PM

E.O. 11652: NA

TAGS: PGOV PFOR HA

SUBJ: HAITIAN LAWS ON QUESTIONABLE PAYMENTS

REF: STATE 258169

1. REFTEL REQUESTED INFORMATION ABOUT HAITIAN LAWS AND REGULATIONS CONCERNING QUESTIONABLE PAYMENTS. THERE ARE RELATIVELY FEW QUASI-LEGAL REGULATORY PROCEDURES.

2. THE FOLLOWING ARE KEYED TO PARA 2 REFTEL AS REQUESTED:

A. YES - ARTICLE 135 OF THE PENAL CODE QUALIFIES THE OFFER, SOLICITATION, GIVING OR RECEIPT OF MONIES OR OTHER THINGS OF VALUE TO INFLUENCE OFFICIAL ACTIONS AS A MISDEMEANOR. THE PENALTY IS ONE TO THREE YEARS IMPRISONMENT PLUS A FINE EQUIVALENT TO ONE-FOURTH OF THE MONEY INVOLVED PLUS DAMAGES.

B. NO - THIS IS CONSIDERED REDUNDANT AS PAYMENTS TO GOVERNMENT OFFICIALS ARE ILLEGAL.

C. NO.

D. NO

E. NO

F. YES - THE HAITIAN PENAL CODE FORBIDS KICKBACKS. THE

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ANTI-CORRUPTION PROVISIONS OF ARTICLES 137, 138, 139,

140, 141, 142, 143 AND 144 OF THE PENAL CODE COVER
KICKBACKS.

3. COPIES OF THE RELEVANT SECTION OF THE PENAL CODE ARE
BEING POUCHED TO L/PM.
ISHAM

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NNN

Message Attributes

Automatic Decaptioning: X
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Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
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